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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/612,377

07/01/2003

Fabrice Vitry

112-03

3701

27569

7590

07/11/2005

PAUL AND PAUL  
2000 MARKET STREET  
SUITE 2900  
PHILADELPHIA, PA 19103

EXAMINER

GALL, LLOYD A

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/612,377

Applicant(s)

VITRY ET AL.

Examiner

Lloyd A. Gall

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-13 and 15-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1,2,4-13 and 15-19 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 29 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
     1. ☐ Certified copies of the priority documents have been received.  
     2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_  
 4) ☐ Interview Summary (PTO-413)  
     Paper No(s)/Mail Date \_\_\_\_\_  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_

*he*

### DETAILED ACTION

Claim 1 is objected to because of the following informalities: In claim 1, line 10, "pawl" should be replaced with --pawls--. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (759).

Miller teaches a button pawl shaft for joining two panels 10, 11, including a shaft 18, a precompressed spring 32 mounted in a pocket along the shaft of one panel bezel 12 as seen in fig. 3, a monolithic shaft 18 having a pawl 21 at each end of the shaft as seen in fig. 1 and each pawl engageable with a keeper 31 as seen in fig. 3, a button 35, whereby the totality of the parts define a latch as set forth in claim 9. With respect to claim 8, the opposed flat surfaces of the pawls 21 as seen in fig. 4 each define a ramp-shaped surface.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Pelcin.

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Miller has been discussed above. Assuming that the pocket of claim 1 is being claimed as being within the shaft, Pelcin teaches in fig. 8 a spring within a pocket defined between the collar 166 and the housing 62. It would have been obvious to substitute a spring mounted within a pocket within the shaft for the spring of Miller, in view of the teaching of Pelcin, the motivation being to provide a compact spring-biased shaft and pawl assembly.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, or Miller in view of Pelcin, in view of Womer.

Womer teaches a torsion spring 60 for a button actuated latch. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a torsion spring for the spring 32 of Miller, in view of the teaching of Womer, since precompressed spring types are well known to be obvious substitutes for one another in the latch art.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, or Miller in view of Pelcin, in view of Womer.

Womer also teaches a lock plug 90 including opposed protuberances 94, 96 to engage ribs (the edges of the openings 100, 102) to allow or prevent a button 74 from actuating a shaft 46 mounted latch 44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a key-actuated protuberance/rib lock with the push button of Miller, in view of the teaching of Womer, the motivation being to restrict actuation of the latch to only those who are authorized with a proper key.

Claims 10, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, or Miller in view of Pelcin, in view of Weinerman et al.

Weinerman teaches a button pawl shaft capable of joining panels 60, including a shaft center piece 120, a pawl at each end of the shaft center piece including a protuberance 141 of each pawl to be received in a recess of the tubular shaft center piece and a pawl 130, 140 to engage a keeper 700, a button 160, 170 also mounted on the shaft center piece to receive a force from a user, wherein the pawls define a ramp-shaped surface 650. It would have been obvious to modify the shaft/pawls of Miller to include a recessed center shaft piece which receives a pawl therein at the ends of the shaft center piece, in view of the teaching of Weinerman et al, the motivation being to allow the individual parts to be separately produced and assembled when desired, and to allow the parts to be compactly stored when not in use.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, or Miller in view of Pelcin, in view of Weinerman as applied to claim 10 above, and further in view of Dickinson et al.

Dickinson teaches a snap connection 56, 104 between a bezel 100 and a shaft 56. It would have been obvious to modify the shaft 18 of Miller such that it is snap connected in the recess 17, in view of the teaching of Dickinson et al, the motivation being to provide a secure connection for the shaft in the bezel.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, or Miller in view of Pelcin, in view of Weinerman and Dickinson as applied to claim 11 above, and further in view of Fountaine.

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Fountaine teaches a shaft 17' in fig. 7 which includes an axis having a flat (which abuts stops 31 or 32) to define a detent position. It would have been obvious to provide a flat detent for the shaft of the modified Miller reference, in view of the teaching of Fountaine, the motivation being to establish limits of shaft rotation, to prevent over-rotation thereof.

Claims 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, or Miller in view of Pelcin, in view of Weinerman as applied to claim 10 above, and further in view of Dickinson and an additional teaching of Weinerman. Dickinson teaches a shaft snap connected at 56, 104 as set forth above. Weinerman teaches a (at least) two part bezel 510, 522, 340 for a shaft 120. It would have been obvious to modify the shaft/bezel connection of Miller to include a snap connection of the two part type, in view of the teachings of Dickinson and Weinerman, the motivation being to provide a secure rotatable connection for the shaft.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, or Miller in view of Pelcin, in view of Weinerman and Dickinson as applied to claim 13 above, and further in view of Womer.

Womer teaches a torsion spring 60. It would have been obvious to substitute a torsion spring for the spring 32 of Miller, in view of the teaching of Womer, since precompressed spring types are well known to be obvious substitutes for one another in the latch art.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, or Miller in view of Pelcin, in view of Weinerman and Dickinson as applied to claim 11 above, and further in view of Womer.

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Womer teaches a lock plug 90 with opposed protuberances 94, 96 to engage ribs (the edges of openings 100, 102) to allow or prevent a button 74 from actuating a shaft 46 mounted latch 44. It would have been obvious to provide a key-actuated protuberance/rib lock with the push button of Miller, in view of the teaching of Womer, the motivation being restrict actuation of the pushbutton to only those who are authorized with a key.

Applicant's arguments filed April 28, 2005 have been fully considered but they are not persuasive. In response to applicant's remarks in the last line of page 9, it is submitted that the amended claims do not specifically claim that the pocket is within the shaft itself. Accordingly, the Miller reference has been applied as meeting the claimed limitations of claim 1. Further, assuming that the pocket is being claimed as within the shaft, the Pelcin reference is also applied with the Miller reference, as set forth above. In response to applicant's remarks on page 10, it is not clear why applicant submits that Weinerman does not teach the structure for which it was relied upon.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG  
July 07, 2005

  
Lloyd A. Gall  
Primary Examiner